IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.30632 of 1997

Dated: 15-03-2007

Between:

Vijayawada Pan Shop Employees' Cooperative Building Society,
Regd. No.2690, Door No.53-1-241, Arul Nagar,
Vijayawada – 8, rep. by its Secretary V. Madhusudan Reddy,
s/o Parthasarathy, aged about 55 years,
Vijayawada.

... Petitioner

and

1. State of Andhra Pradesh, rep. by its Principal Secretary Revenue,
   Secretariat Buildings, Saifabad,
   Hyderabad – 4 and two others.

... Respondents

ORDER:

This writ petition is filed seeking *mandamus* declaring the action of first respondent in rejecting the application of petitioner Society through Memo No.76738/UC.I(1)/94-4, dated 08-09-1997, as arbitrary, illegal and contrary to the provisions of Section 19(1)(v) of the Urban Land (Ceiling & Regulations) Act, 1976 (for short, 'the Act') and

G.O.Ms.No.733, dated
31-10-1988 and consequently declare that the land in an extent of Ac.8-07 cents in R.S.No.18/1, 19/2B and 19/2C of Payakapuram village of Vijayawada Urban Agglomeration is outside the purview of the provisions of the Act.

2. Facts, in brief, are: Petitioner society was registered in the year 1991 and it has 115 members on its rolls. The society had purchased agriculture land admeasuring Ac.8-07 cents in RS.No.18/1,19/2B and 19/2C of Payakapuram village, Krishna District. The President of the petitioner society presented an application for sanction of exemption under Section 20(1)(a) of the Act for transfer of its surplus lands admeasuring 31,159 sq.mts. in R.S.No.18/1, 19/2B and 19/2C situated at Payakapuram village, Vijayawada Urban Agglomeration in favour of the petitioner Society for providing house sites to its members.

3. Heard learned counsel for the parties.

4. Having hearing learned senior counsel Sri N. Subba Reddy, this Court wanted to peruse the records and accordingly the matter was adjourned enabling the Assistant Government Pleader to produce the records. However, the records are not produced and the Assistant Government Pleader expressed her inability to produce the records.
In the absence of any records, this Court cannot decide the contentions put forth by the learned senior counsel. Accordingly, the matter is remanded to the first respondent to hold an enquiry and determine as to whether petitioner society is entitled for exemption as sought for.

5. In the result, the writ petition is allowed setting aside the order

impugned and remanding the matter to the first respondent to hold an enquiry and determine as to whether petitioner society is entitled for exemption as sought for. However, it is left open to the petitioner to raise all the contentions that are advanced before this Court before the first respondent.

JUSTICE GOPALAKRISHNA TAMADA

Dt.15-03-2007
GLV